IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32405 of 2007(G)

PETITIONER:

THE CHALAKKUDY MUNICIPALITY,
CHALAKKUDY, THRISSUR DISTRICT, REP. BY
ITS SECRETARY.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:

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1. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

2. THE CIRCLE INSPECTOR OF POLICE, CHALAKKUDY, THRISSUR DISTRICT.

3. SMT. MARY, W/O. LATE JOSEPH, CHENGINIMATTOM, CHALAKKUDY, THRISSUR DISTRICT.

4. SMT. VALSA VARGHESE, W/O. VARGHESE, KALOOKARAN HOUSE, ANGAMALY, ERNAKULAM.

5. SMT. OMANA CHARLES, W/O. CHARLES, MANJAALI HOUSE, KALADI, ERNAKULAM.

6. SMT. SHOBI CHERIYAN, PALATHARA HOUSE, ERAMALLOOR, CHERTHALAI, ALAPPUZHA DISTRICT.

7. SMT. MOLY STEPHEN, W/O. STEPHEN, VALLACHIRAKKARAN HOUSE, CHERPU, THRISSUR DISTRICT.

R2 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.
R3 to R7 BY ADV. SRI.SREELAL N.WARRIER
SRI.S.K.PREMJITH MENON
SRI.G.ANOOP MOHAN
SRI.NANEKSHA D.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.32405 OF 2007

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DATED THIS THE 6TH NOVEMBER, 2007

J U D G M E N T

Even though a very detailed counter affidavit has been filed on behalf of respondents 3, 4, 5, 6 and 7 and Sri.Sreelal Warrier, their counsel addressed me very strenuously, refuting the various grounds raised in the Writ Petition and drawing my attention to the various documents produced along with the counter affidavit, I am of the view that the respondents will have to address all these submissions before the Tribunal for Local Self Government Institutions in Appeal No.466 of 2007.

2. Under these circumstances, I dispose of the Writ Petition itself issuing the following directions:-

The petitioner-Municipality is directed to file counter affidavit in the appeal within seven days from today and the Tribunal is directed to dispose of Appeal No.466 of 2007 in accordance with law, after hearing both sides, at its earliest and at any rate within one month from today. Status quo as ordered by this Court on 31.10.2007 will be maintained by both sides till such time as the appeal is disposed of. It is clarified that the order regarding maintenance of status quo is confined to the constructions in question. It is made clear that I have not expressed

any opinion on the correctness or otherwise of the averments in the Writ Petition or in the counter affidavit.

(PIUS C.KURIAKOSE, JUDGE)

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